

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

JAMES DOWD	§	
	§	
v.	§	CIVIL CASE NO. 4:21-CV-125-SDJ
	§	
TUBEMASTER, INC.	§	


**MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE
UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the Report and Recommendation of the United States Magistrate Judge (“Report”), this matter having been referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On June 15, 2021, the report of the Magistrate Judge, (Dkt. #12), was entered containing proposed findings of fact and recommendations. Specifically, the Magistrate Judge recommended as follows: (1) Defendant TubeMaster, Inc.’s Motion to Set Aside Partial Default Judgment, or in the alternative, Motion to Vacate Partial Default Judgment and Memorandum in Support, (Dkt. #4), be granted; (2) the partial default judgment entered in the underlying state court proceeding be set aside; (3) Defendant TubeMaster, Inc.’s Answer, (Dkt. #10), be deemed properly filed before the Court; and (4) an order governing proceedings be entered by the Court. Having assessed the Report and the record in this case, and no objections to the Report having been timely filed, the Court determines that the Magistrate Judge’s Report should be adopted.

It is therefore **ORDERED** that Defendant TubeMaster, Inc.’s Motion to Set Aside Partial Default Judgment, or in the alternative, Motion to Vacate Partial Default Judgment and Memorandum in Support, (Dkt. #4), is **GRANTED**. The

partial default judgment entered in the state court proceedings is hereby **SET ASIDE**. It is further **ORDERED** that Defendant TubeMaster, Inc.'s Answer, (Dkt. #10), is deemed properly filed before the Court. The Magistrate Judge is directed to enter an order governing proceedings.

So ORDERED and SIGNED this 2nd day of September, 2021.



SEAN D. JORDAN
UNITED STATES DISTRICT JUDGE